In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 17374 of 2006

Date of Decision: 6.11.2006

Santra Devi and others

…Petitioners

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Rajesh Garg, Advocate,
for the petitioners.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made in this petition is for quashing order dated 25.8.2006 (P-9) refusing to regularise the services of the petitioners as per the proposal sent by the Managing Director, dated 22.5.2006 from 1.2.1996 instead of 1.1.2001. The ground projected by the petitioners is that certain similarly situated employees, namely, Harpal Singh has been granted the relief of regularisation w.e.f. 1.2.1996 as is evident from perusal of order dated 18.10.2005 (P-7). It was on that basis that the Managing Director has sent the proposal on 22.5.2006 (P-8) to the Financial Commissioner and Principal Secretary to Government of Haryana, Department of Forest.

Having heard the learned counsel, we are of the considered view that the orders of regularisation which have been passed before 10.4.2006 are not to be re-opened. In order words, the benefit conferred on an employee before the date of the judgment in the case of **Secretary, State of Karnataka & others v. Umadevi & others, (2006) 4 SCC 1,** are to remain protected. Once that is the situation, then the date of regularisation given to the petitioners cannot be ante-dated by this Court as it would amount to re-opening those orders. The argument that it would result into discrimination and violate Articles 14 and 16(1) of the Constitution has not impressed us for the simple reason that there is nothing on record to show that the petitioners have entered into service by a lawful method consistent with the provisions of Articles 14 and 16(1) of the Constitution. The petitioners cannot ask for equitable relief once they themselves are not doing equity. Therefore, there is no ground to interfere in this matter.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

November 6, 2006
JUDGE

Pkapoor